

Attorney's Docket No.: 10559-540001/P12560

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. New claims and claim amendments are presented herein to obviate the current rejection. No new matter has been added.

35 USC § 112

Claims 1-9 stand rejected under 35 USC § 112, second paragraph as allegedly being indefinite. This rejection is respectfully traversed.

The determined upper limit for resource consumption for the remote processor relates, inter alia, to a sharing policy that specifies a maximum amount of resources that can be consumed from a resource pool (see, inter alia, specification par. 15). In other words, local resources are only released provided that the remote processor is not using more than the predefined upper limit of resources. The upper limit does not refer to the capacity of the remote processor nor the capacity of the local resource.

Accordingly, it is respectfully submitted that the rejection under 35 USC § 112 should be withdrawn.

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35 USC § 103(a)

Claims 1-9 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Blumenau in view of Pian. These rejections are respectfully traversed.

Blumenau describes an arrangement in which a dynamic balancing facility periodically computes a new list of storage subsystem ports for each of the hosts to access based on measured data packet frequencies as well as a priority level (see, *inter alia*, Blumenau col. 7, lines 53-62). Such priority levels are assigned to each of the hosts by an administrator and may be used to permit some of the hosts to have priority over others, so that under high loading conditions, the higher priority hosts can continue to have immediate access at the expense of the lower priority hosts which are denied immediate access (see, *inter alia*, Blumenau col. 5, line 58 to col. 6, line 5). There is no suggestion that access in Blumenau that priority levels are associated with resource consumption and that availability of a local resource may be reduced when a remote processor consumes more than a pre-defined amount of resources.

Pian relates to a system in which a plurality of control processors distribute data to be processed to a corresponding plurality of arithmetic processors using a dynamic allocation arrangement (see, *inter alia*, Pian abstract). In other words,

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Pian describes a load balancing technique. In particular, Pian describes an arrangement in which a control processor can only have a certain number of tasks within an internal queue (see, inter alia, Pian col. 8, lines 55-57). When this queue exceeds a predefined number of tasks, task entries are sent by a control processor to a supervisory control processor for processing (see, inter alia, Pian col. 8, lines 57-62).

Pian provides no suggestion to collect accounting information from an accounting manager at each of the networked processors nor is there any suggestion of reducing availability of a local resource to a remote processor by a host processor when at least one of an upper threshold and an upper limit is exceeded. Rather, each control processor of Pian locally determines whether an upper task entry limit has been exceeded which results in certain tasks being sent to a supervisory control processor for further processing (which does not amount to accounting information). Therefore, the skilled artisan would not have resulted in the claimed subject matter by combining Blumenau with Pian without inventive activity and undue experimentation.

Accordingly, claim 1 and its dependent claims should be allowable. Moreover, claims 27-36, which are means-plus-function variants of claims 1-9 should also be allowable based on similar reasoning.

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Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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